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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/973,416 11/14/97 HARA

M 13700-0176

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IM22/0628

EXAMINER

KRUER, K

ART UNIT

PAPER NUMBER

1773

Handwritten: 22


DATE MAILED:

06/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/973,416	Applicant(s) Hara et al.	
Examiner Kevin Krueer	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 25, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al. (Pat. No. 5,274,024) in view of JP-0172416 (assigned to Daiichi Seiyaku Co.) and Teumac et al. (Pat. No. 5,663,223) for reasons of record.
3. Claims 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al. (Pat. No. 5,274,024) in view of JP-0172416 (assigned to Daiichi Seiyaku Co.) and Teumac et al. (Pat. No. 5,663,223), as applied to claims 1, 3, and 5-8 above, and further in view of Moritani et al. (Pat. No. 4,999,229) for reasons of record.
4. Claims 1, 3, 5-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettel III (Pat. No. 5,320,889) in view of JP-0172416 (assigned to Daiichi Seiyaku Co.) and Teumac et al. (Pat. No. 5,663,223) for reasons of record.
5. Claims 1, 3, 4-9, 14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lofgren et al. (Pat. No. 5,133,999) in view of JP-0172416 (assigned to Daiichi Seiyaku Co.) and Teumac et al. (Pat. No. 5,663,223) for reasons of record.
6. Claims 1, 3, 5-11, 14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itamura et al. (Pat. No. 5,492,953) in view of JP-0172416 (assigned to Daiichi Seiyaku Co.) and Teumac et al. (Pat. No. 5,663,223) for reasons of record.

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7. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the above combination of references and further in view of Hofeldt et al. (Pat. No. 5,204,389) for reasons of record.

Response to Arguments

8. Applicant's arguments filed May 23, 2001 have been fully considered but they are not persuasive.

The newly filed declaration (Paper #21) has been fully considered. Applicant attempts to show the difference between a resin particle manufactured according to the disclosed method, and a particle manufactured according to the teachings of the prior art. However, claims 1-18 are not limited to a particle wherein the reducing compound and the water insoluble compound are initially mixed, and then dispersed in the thermoplastic resin at a temperature lower than the melting point of the water insoluble resin. Furthermore, the claims are not directed to a resin particle, but rather to a resin composition and a film comprised from that resin composition. Thus, applicant's arguments are not persuasive.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is (703) 305-0025. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver, can be reached on (703) 308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703)305-5436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0651.



Kevin R. Kruer
Patent Examiner



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